Supreme Court, U. S.
FILED
APR 4 1979
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

No. 78-1401

CITY OF MIAMI, a Florida Municipal Corporation,
Appellant,

vs.

ST. JOE PAPER COMPANY, a Florida Corporation; SOUTHEAST PROPERTIES, INC., a Florida Corporation; HUGH E. MATHESON, JR., Individually; and SALLY S. DOMMERICH, Formerly Sally S. Matheson, Individually,
Appellees.

ON APPEAL FROM THE SUPREME COURT OF FLORIDA

APPELLEE SOUTHEAST PROPERTIES, INC. MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION TO AFFIRM

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Appellee, Southeast Properties, Inc. (Southeast), pursuant to Rule 16 of the Rules of this Court, respectfully moves the Court for the entry of an order dismissing this appeal on the ground that it does not present a substantial federal question or, alternatively, moves the Court for the entry of an order affirming the order appealed from on the ground that any federal question raised by this appeal is insubstantial and does not need further argument.

RESTATEMENT OF THE FACTS

As appears from the opinion of the District Court of Appeal of Florida, Third District (Appellant's Jurisdictional Statement, App. 15), the title of Southeast derives from the 1944 deed to the St. Joe Paper Company (St. Joe).

For the purpose of this appeal, Southeast's position is the same as that of St. Joe. Southeast, therefore, adopts the arguments and authorities set forth in St. Joe's motion.

CONCLUSION

For the foregoing reasons, this Court should dismiss the City's appeal or, in the alternative, affirm the order of the Supreme Court of Florida.

Respectfully submitted,

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Miami, Florida

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of April, 1979, a copy of the above and foregoing Appellee's Motion to Dismiss or, in the Alternative, Motion to Affirm was mailed, postage prepaid, to Guy B. Bailey, Jr., Esquire, Suite 1820, One Biscayne Tower, Two South Biscayne Boulevard, Miami, Florida 33131; Russo, Van Doren and Allen, P.A., 4685 Ponce de Leon Boulevard, Coral Gables, Florida 33146; Eric B. Meyers, Esquire, 1000 Southeast First National Bank Building, Miami, Florida 33131 and Marion E. Sibley, Esquire, Post Office Box 390360, Miami Beach, Florida 33139.

I further certify that all parties required to be served have been served.

DWIGHT SULLIVAN
Of Counsel